

Easterling, Deborah

284876

From: Easterling, Deborah
Sent: Thursday, January 29, 2015 10:59 AM
To: 'Barry Britt'
Subject: RE: Uber is a Taxi Compan

Dear Mr. Britt,

This is to acknowledge receipt of your email to the Public Service Commission of South Carolina. I am forwarding your email to our Clerk's Office for processing. Your email will become a part of Docket No. 2014-372-T and will be posted on our website under this docket.

Please let me know if you should require any additional information.

Sincerely,

Deborah Easterling
Administrative Coordinator
803-896-5133

From: Barry Britt [<mailto:yellowvantaxi001@gmail.com>]
Sent: Thursday, January 29, 2015 10:58 AM
To: Easterling, Deborah; Virginia B. Lewis
Subject: Uber is a Taxi Compan

Hello Deborah,

How are you doing? I am sorry that I am sending you this so late, can you make sure that this letter get to the right department so that our voice can be heard?

Thank you, Barry Britt, Yellow Van Taxi, LLC

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Dear Honorable Senators & Representatives:

I am the owner of Yellow Van Taxi, LLC. Please take notice to some concerns expressed by owners and possible patrons of public transportation for hire. These concerns will be address by the representatives of the people of South Carolina in regards to House Bill 3414, by thoroughly investigating all facts.

We Support Mr. Jones Open Letter to the South Carolina Legislature RE: Uber

1. UBER IS A TRANSPORTATION FOR HIRE COMPANY.

Uber's app sends calls to its drivers via electronic means, just like taxi AND transportation for hire companies. Most taxi AND transportation for hire companies have been utilizing texting or propriety dispatch apps that send calls to taxi driver smart phones for several years. Uber's technology as it pertains to its drivers is nothing new.

Uber's app calculates fares on a per mile and wait time basis, just like traditional taxi meters. Taxi companies use electronic pulse meters because that is what the laws in all jurisdiction require. My company dispatch app calculates fares just like Uber's app.

Uber sets the per mile and per minute rates for it's drivers.

Uber provides financing to drivers to purchase vehicles (<https://get.uber.com/cl/financing/>).

In India, Uber calls itself a taxi company (<http://www.theverge.com/2015/1/23/7876739/uber-applies-taxi-license-india>).

2. UBER'S INSURANCE POLICY IS RIPE WITH UNKNOWNNS.

Uber requires it's drivers to carry personal vehicle liability insurance and to submit any claims first to the driver's personal policy. Only if and when the driver's personal policy denies the claim - and undoubtedly cancels the driver's policy - will Uber accept the claim. This is an insurance fraud scheme of the first degree.

Uber's alleged million dollar policy has been classified by the State of Massachusetts as an unacceptable surplus lines policy which does not qualify as vehicle insurance. (<http://www.insurancejournal.com/news/east/2015/01/20/354525.htm>).

On 1/28/2015 the leading automotive litigation firm in the country filed a class action against Uber in California which alleges that Uber's insurance carrier, James River Insurance Company, is not licensed by the California Department of Insurance (<http://www.prnewswire.com/news-releases/mlg-automotive-law-files-class-action-against-uber-for-fraudulent-business-practices-300026630.html>).

James River Insurance Company lists SCU-Sumter as it's South Carolina broker for "Excess Lines." (<http://www.jamesriverins.com/brokerlist.aspx>). I phoned SCU today, 1/28/2015, and was informed that they do not represent James River, and do not offer excess lines coverage for any transportation companies.

3. PASSENGER SAFETY.

Much has been made about background checks, but that is the base level of driver accountability.

- A. Uber cars are unmarked, opening the door for false impersonation.
- B. The Uber app can be "shared" with unapproved drivers.
- C. Uber does not conduct vehicle inspections, either initially or daily, as mandated for taxi companies.
- D. Uber does not have local management in place to monitor drivers. The internet is ripe with stories about impaired Uber drivers operating vehicles.
- E. Uber has a statistical outlier of sexual assault by its drivers.

4. REGULATORY SCHEMES.

The City of Charleston, like a dozen or so other cities including Orlando, has considered or passed ordinances that would make Uber drivers obtain local business licenses and pay local taxes.

Orlando did pass such legislation in December. The old taxi regulatory scheme required payment by all drivers of an annual \$500 licensing fee. Orlando City Council lowered the amount to \$250, and mandated that Uber drivers register with the city and pay \$250 just like taxi drivers. Uber's reaction was to inform their drivers to ignore the law (<http://www.wesh.com/news/uber-lyft-not-happy-with-orlando-city-councils-new-regulations/30260784>).

The Charleston Airport Authority has banned Uber from picking up at the airport. Signs have been posted outside at the entrance to the cell phone waiting lot, and inside the terminal at the baggage claim door exit. Uber has instructed it's drivers to ignore this ban and continues to permit its app to accept calls from the airport. My son has signed up to be an Uber driver to monitor their behavior, and tells me that Uber drivers still populate the cell phone lot all day long, waiting on calls.

Uber's worldwide corporate philosophy is to ignore regulation.

5. PUBLIC POLICY ISSUES.

Uber is slashing fares in 50 major markets to the point where it's drivers are filing claims for minimum wage violations, and filing class actions to be classified as statutory employees (<http://www.siliconbeat.com/2015/01/28/are-uber-and-lyft-drivers-employees/>).

Permitting Uber to create a new statutory class of public transportation provider implicates equal protection guarantees for existing providers under Article I, Section 3 of the South Carolina Constitution.

Uber's surge pricing violates maximum public transportation fare regulations, and has been characterized as illegal gouge pricing (<http://www.press-citizen.com/story/news/local/2015/01/05/ubers-surge-pricing-price-gouging/21302673/>).

Uber's app gathers information on users in potential violation of internet and consumer privacy laws.

Uber provides no public access for consumer complaints beyond twitter email.

Uber provides no public access for a damage claim. Injured passengers must file an online complaint through their Uber email receipt. Uber's User Policy does not state a claim resolution process.

I resubmit this open letter from Mr. James Jones, Thank you, Barry Britt, Yellow Van Taxi, LLC

Easterling, Deborah

From: Barry Britt <yellowvantaxi001@gmail.com>
Sent: Thursday, January 29, 2015 10:59 AM
To: Easterling, Deborah
Subject: Fwd: Update on Uber/Rasier

----- Forwarded message -----

From: Hipp, Dawn <dhipp@regstaff.sc.gov>
Date: Thu, Jan 29, 2015 at 10:54 AM
Subject: RE: Update on Uber/Rasier
To: Barry Britt <yellowvantaxi001@gmail.com>, "Virginia B. Lewis" <lewisvirginial@att.net>

You will need to direct this to the PSC. ORS cannot file this on your behalf. The PSC e-mail is:

contact@psc.sc.gov

Thanks!



Dawn Hipp

Office of Regulatory Staff

1401 Main Street, Suite 900

Columbia, SC 29201

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From: Barry Britt [mailto:yellowvantaxi001@gmail.com]
Sent: Thursday, January 29, 2015 10:53 AM

To: Hipp, Dawn; Virginia B. Lewis
Subject: Re: Update on Uber/Rasier

Please Submit at Hearing if possible, or direct to department that will allow our voice to be heard.

Thank you, Barry Britt

On Wed, Jan 28, 2015 at 3:48 PM, Hipp, Dawn <dhipp@regstaff.sc.gov> wrote:

Dear Regulated Class C Motor Carrier,

I wanted to make you aware of an important update related to the Application (Docket No. 2014-372-T) for Class C Motor Carrier filed by Rasier, LLC – a wholly owned subsidiary of Uber Technologies, Inc.

Updates:

- 1) Rasier, LLC and Checker Yellow Cab Company, Inc. filed a joint request to the PSC on Tuesday, January 27th. The letter requests the PSC:
 - a. Suspend the hearing date
 - b. Issue a conditional Class C Certificate effective until June 30, 2015

The request can be found here: <http://dms.psc.sc.gov/pdf/matters/C31692BD-155D-141F-2383456928021663.pdf>

- 2) The PSC has scheduled a special meeting for Thursday, January 29th at 2:00 p.m. to take up the Rasier, LLC and Checker Yellow Cab Company request filed on Tuesday. The meeting notice can be found here: <http://dms.psc.sc.gov/pdf/events/F3052357-155D-141F-232F7FE6581D5F09.pdf>

Please contact me at 803/737-0814 or via e-mail at dhipp@regstaff.sc.gov if you have any questions. Thanks!



Dawn Hipp

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